

REMARKS

Claims 9, 28 and 37 have been amended. Claims 1-60 remain pending in the present application. Applicant reserves the right to pursue the original and any other claims in this and other applications.

Claims 1-13, 37-41 and 46-60 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pinard (U.S. Patent No. 5,454,032), Bannister (U.S. Patent No. 5,548,636) or Mukerjee (U.S. Patent No. 6,405,041) in view of Cripps (U.S. Patent No. 4,471,167). The rejection is respectfully traversed.

Applicant respectfully submits that it is improper to combine the references in the manner suggested by the Office Action. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found in the references themselves. In re Fine, 837 F.2d 1071, 5 USPQ.2d 1596 (Fed. Cir. 1988). There is no suggestion or motivation in any of the references of the cited combinations for combining them to arrive at the claimed invention. The Office Action is using impermissible hindsight by using the claims of the present invention as a road map to improperly combine the references. See Ex part Clapp, 227 U.S.P.Q. 972, 973 (Bd. App. 1985); M.P.E.P. §2144. For this reason alone, the rejection should be withdrawn.

Moreover, M.P.E.P. §2143 delineates the three criteria for establishing a *prima facie* case of obviousness as: 1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; 2) there must be a reasonable expectation of success; and 3) the prior art reference (or references when combined) must teach or suggest all the claim limitations. The Office Action has failed to make a *prima facie* case of obviousness under this M.P.E.P. provision. None of

the cited references contains a suggestion or a motivation for their combination. None of the references sets forth a reasonable expectation of success in their combination. The Office Action does not identify where a suggestion to combine the references exists or why a reasonable expectation of success of combining the references exists. Rather, information contained in the current application is impermissibly used, in hindsight, to pick and choose features of the references to combine to arrive at the present invention.

Claim 1 recites a system for establishing telephone communication between a telephone call placed to a primary telephone number and at least one of a plurality of telephone devices, where the primary telephone number is associated with a primary telephone device. The system comprises a database for storing one or more other telephone numbers associated with the primary telephone number, means for detecting placement of the telephone call to the primary telephone number, means for retrieving at least one of the other telephone numbers from said database, means for placing a call to the at least one of the other telephone numbers and means for connecting the telephone call to the at least one of the plurality of telephone devices, if the first one of the plurality of telephone devices goes off hook before the primary telephone device goes off hook. According to claim 1, "said detecting means compris[es] a physical connection to a physical extension associated with the primary telephone number, said detecting means detecting the placement of the telephone call by detecting activity on the associated physical connection."

As acknowledged in the current and previous Office Actions, Pinard, Bannister and Mukerjee each fail to disclose or suggest the claim 1 invention. Specifically, the cited references fail to disclose or suggest "detecting means comprising a physical connection to a physical extension associated with the primary telephone number, said detecting means detecting the placement of the telephone call by detecting activity on the associated physical connection." Specifically, the cited

references' processing of inbound calls are each dependant on core switch intelligence. Hence, when an inbound call is presented to a PBX or central office (CO) switch in the systems of the cited references, the central office switch or PBX must initiate a logical process to determine the routing of the call. Once the routing determination is made, the central office switch or PBX must manage the call accordingly. Therefore, in the cited references a call is processed by the CO switch or PBX, then routed to the remote devices.

In the claimed invention, on the other hand, call handling is entirely managed external from PBX or CO via a physical connection of the detecting means. The claimed invention requires no programming or logic changes to the PBX or CO switch. Hence, in the claimed invention, the host switch is not performing any intelligent functionality in the processing of remote devices being engaged to the call. This is possible because the claimed invention is connected to the PBX by a physical analog line connection to each extension. The claimed invention detects the inbound call activity of the PBX by detecting e.g., a voltage change on the analog extension. This voltage change on the analog extension, triggers the claimed invention to ring the remote devices. Therefore, the claimed invention is not in the call path unless the user answers a remote device and is authenticated by the claimed invention. In all of the cited references, the device ringing the plurality of remote devices is in the call path and must treat unanswered calls as it has official call control. This logical and physical difference in architecture is neither intuitive nor possible to incorporate in the systems of the cited references.

The present Office Action relies on Cripps to cure the shortcomings of Pinard, Bannister and Mukerjee. Cripps is relied upon for disclosing a direct physical connection to a physical extension for a wireless device without any changes to the central office. However, the only motivation to combine Cripps with the previously

cited references is obtained from Applicants' claims. Cripps simply relates to a basic wireless extension telephone system including a base unit connected to a telephone line and a remote extension unit having a general physical connection to a physical extension for a wireless device. Cripps provides no basis for providing a system to cure the problem solved by the claimed invention. Thus, it would not have been obvious to one of ordinary skill in the art to combine the cited references to achieve the claimed invention. In re Fine, 837 F.2d at _____. Applicant respectfully submits that to read on Applicant's claims, the Office Action is simply choosing references, a limitation at a time, this is improper hindsight construction.

As such, claim 1 is allowable over the cited combinations. Claims 2-8 depend from claim 1 and are allowable along with claim 1.

Claim 9 recites "connection means comprising a physical connection to a physical extension associated with the primary telephone number" and an "engine retrieving the secondary telephone number from said database upon detecting the first telephone call by detecting a voltage change on the associated physical connection, said engine placing a second call to the secondary telephone number and bridging the first telephone call to the secondary telephone device." As such, claim 9 is allowable for at least the reasons set forth above for claim 1 and on its own merits. Claims 10-13 depend from claim 9 and are allowable along with claim 9.

Claim 37 recites "detecting placement of a telephone call to the primary telephone number by detecting a voltage change on a physical connection to a telephone port associated with the primary telephone number." As such, claim 37 is allowable for at least the reasons set forth above for claim 1 and on its own merits. Claims 38-41 depend from claim 37 and are allowable along with claim 37.

Claim 46 recites "connection means comprising a physical connection to a physical port associated with a first communication device" and "a memory, wherein a computer program is stored in said memory for execution by said processing unit to detect an attempt to initiate communications with the first communication device via said connection means." As such, claim 46 is allowable for at least the reasons set forth above for claim 1 and on its own merits. Claims 47-60 depend from claim 46 and are allowable along with claim 46.

Applicant respectfully submits that the rejection should be withdrawn and the claims allowed.

Claims 14-36 and 42-45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mauger (U.S. Patent No. 5,537,610), Widergen (U.S. Patent No. 5,890,064), Eriksson (U.S. Patent No. 5,956,652) or Sjodin (U.S. Patent No. 5,995,843) in view of Cripps. The rejection is respectfully traversed.

Claim 14 recites an apparatus including "connection means comprising a physical connection to a physical extension associated with the landline telephone" and "a telephony engine coupled to said database and said connection means." According to claim 14, "said engine receiving a telephone call, determining if the telephone call was received from the wireless telephone, retrieving telephone line connection information from said database corresponding to the landline telephone, and connecting the telephone call to a telephone line coupled to the landline telephone via said connection means on the basis of said telephone line connection information, the telephone call being connected to the telephone line such that the wireless telephone receives a dial tone."

Applicant respectfully submits that the cited combinations fail to disclose the limitations of claim 14. Specifically, none of the cited references, even when combined,

disclose tapping into a physical connection to a physical extension associated with a landline telephone. In addition, the cited references fail to disclose connecting the telephone call to a telephone line coupled to the landline telephone via said connection means on the basis of telephone line connection information retrieved from a database. The Office Action seeks to cure these shortcomings, also acknowledged by previous Office Actions, of the cited references by combining the cited references with Cripps. However, for at least the reasons set forth above, the only motivation to combine Cripps with any of the previously cited references is obtained from Applicant's claims. It would not have been obvious to one of ordinary skill in the art to combine these references to achieve the claimed invention. The Office Action is simply choosing references, a limitation at a time to read on Applicant's claims. Applicant respectfully submits that this is improper hindsight construction. As such, claim 14 is allowable over the cited references. Claims 15-17 depend from claim 14 and are allowable along with claim 14.

Claim 18 recites "connection means comprising a physical connection to the telephone extension" and "a telephony engine coupled to said database and the enterprise network, said engine being adapted to determine if a telephone call was received from the wireless device and connects the device to the telephone extension via the connection means so that the wireless device receives a dial tone from the enterprise network and operates substantially identically as a telephone associated with and connected to the enterprise network via the telephone extension." As such, for at least the reasons set forth above with respect to claim 14, claim 18 is allowable over the cited references. Claims 19-21 depend from claim 18 and are allowable along with claim 18.

Claim 22 recites "connection means comprising a physical connection to the first telephone extension" and a "processor adapted to connect a first telephone call

placed to the first telephone to the second telephone via the connection means based on the connection information.” As such, for at least the reasons set forth above with respect to claim 14, claim 22 is allowable over the cited references. Claims 23-27 depend from claim 22 and are allowable along with claim 22.

Claim 28 recites “detecting placement of the telephone call to the primary telephone number by detecting a voltage change on a physical connection to a telephone port associated with the primary telephone number.” As such, for at least the reasons set forth above with respect to claims 1 and 14, claim 28 is allowable over the cited references. Claims 29-32 depend from claim 28 and are allowable along with claim 28.

Claim 33 recites “connecting the wireless device to the telephone extension via a physical connection to the telephone extension so that the wireless device receives a dial tone from the enterprise network and operates substantially identically as a telephone associated with and connected to the enterprise network via the telephone extension.” As such, for at least the reasons set forth above with respect to claim 14, claim 33 is allowable over the cited references. Claims 34-36 depend from claim 33 and are allowable along with claim 33.

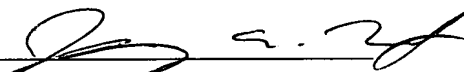
Claim 42 recites “connecting the wireless device to the telephone extension via a physical analog connection to the extension so that the wireless device receives a dial tone from the enterprise network and operates substantially identically as a telephone associated with and connected to the enterprise network via the telephone extension.” As such, for at least the reasons set forth above with respect to claim 14, claim 42 is allowable over the cited references. Claims 43-45 depend from claim 42 and are allowable along with claim 42.

Applicant respectfully submits that the rejection should be withdrawn and the claims allowed.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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